

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35971

STATE OF IDAHO,)	2009 Unpublished Opinion No. 661
)	
Plaintiff-Respondent,)	Filed: November 4, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
JASON LORENZ HOPKINS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

Order revoking probation and reinstating previously suspended unified ten-year sentence with two-year determinate term for felony injury to a child, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

Jason Lorenz Hopkins pled guilty to felony injury to a child, I.C. § 18-1501(1), and the district court imposed a unified ten-year sentence, with a two-year determinate term. The court suspended the sentence and placed Hopkins on probation. Following two probation violations and successful completion in the retained jurisdiction program, Hopkins again twice violated his probation. Hopkins's probation was subsequently revoked and the suspended sentence ordered into execution. On appeal, Hopkins does not challenge the district court's decision to revoke probation, but argues only that this sentence is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and

need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

When we review a sentence that is ordered into execution following a period of probation, we do not base our review solely upon the facts existing when the sentence was imposed. *State v. Whittle*, 145 Idaho 49, 52, 175 P.3d 211, 214 (Ct. App. 2007). Rather we also examine all the circumstances bearing upon the decision to revoke probation and require execution of the sentence, including events that occurred between the original pronouncement of the sentence and the revocation of probation. *Id.* Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Hopkins's previously suspended sentence is affirmed.